

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CECIL KOGER,

Plaintiff,

v.

DIRECTOR GARY C. MOHR, et al.,

Defendants.

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Case No. 4:17-cv-02409

Judge Benita Y. Pearson

DEFENDANTS' WITNESS DISCLOSURE LIST

Pursuant to the Court's March 18, 2021 Order, ECF No. 61, Defendants Davis, Banks, Black, Bowen, Bracy, Ishee, Kostenko, and Mohr provide notice that during the October 4, 2021 trial of this matter they may call the following witnesses to offer testimony regarding the facts of this case:

Witnesses

1. Plaintiff Cecil Koger, as if on cross.
2. Religious Services Administrator Mike Davis may offer testimony regarding such things as ODRC's inmate religious practices, including ODRC's Religious Services policy (72-REG-01); ODRC's Religious Accommodations policy (72-REG-02); ODRC's faith-specific policies (72-REG-03, 72-REG-05, 72-REG-07, 72-REG-08, 72-REG-09, 72-REG-10, 72-REG-011, 72-REG-12, 72-REG-13); Plaintiff's self-identification as a Muslim (ECF No. 50-1, at 482 and 499); Plaintiff's religious accommodations request for a special diet and fasts (ECF No. 50-1, at 483-506; ECF No. 50-1, at 500; and ECF No. 52-2 at 577-78); ODRC's compelling interest in prison safety, security, orderly operations, staff resources, and budgets as they relate to Plaintiff's religious accommodations request to have *ital* and for fast days; the factors he considered in evaluating Plaintiff's religious accommodations request; and the alternative means he considered in an effort to accommodate Plaintiff's religious accommodations request.
3. TCI Warden Charmaine Bracy may offer institution-specific testimony regarding such things as TCI's compelling interest in the prison's safety,

security, orderly operations, staff resources, and budgets as they relate to Plaintiff's religious accommodations request to have *ital* and for fast days; the religious accommodations afforded Rastafarians incarcerated at TCI; TCI's kitchen facilities; the vegetarian option TCI affords inmates, including a vegan entrée at every lunch and dinner meal; inmates' ability to fast while at TCI; TCI's protocols during Ramadan; and TCI's processes regarding the evaluation of an inmate's religious accommodations request for special diets and fasts.

4. RiCI Warden Kenneth Black may offer institution-specific testimony regarding such things as RiCI's compelling interest in the prison's safety, security, orderly operations, staff resources, and budgets as they relate to Plaintiff's religious accommodations request to have *ital* and for fast days; RiCI's kitchen facilities; the accommodations afforded Rastafarians incarcerated at RiCI; the vegetarian/vegan option RiCI affords inmates at every meal; inmates' ability to fast while at RiCI; RiCI's protocols during Ramadan; Plaintiff's purchases from the RiCI commissary; Plaintiff's security classifications; Plaintiff's gang affiliation, (ECF No. 594, 595, and 598); Plaintiff's job placements; and the alternative means prison officials considered in an effort to accommodate Plaintiff's religious accommodations request.
5. TCI Chaplain, Alexander Kostenko, may offer institution-specific testimony regarding such things as the conversation he had with Plaintiff concerning religious accommodations; Plaintiff's religious accommodations requests at TCI, (ECF No. 50-1, at 500 and ECF No. 52-2 at 577-78); Plaintiff's self-identification as a Muslim (ECF No. 52-2 at 568 and ECF No. 52-2, at 573); Plaintiff's ability to fast at TCI; and Plaintiff's participation in Ramadan.
6. North Region Director Ed Banks (automatically substituted pursuant to Rule 25(d) as a party since Northwest Regional Director Dave Bobby has retired) may offer testimony from an operational perspective regarding such things as ODRC's compelling interest in its prisons' safety, security, orderly operations, staff resources, and budgets as they relate to Plaintiff's religious accommodations request to have *ital* and for fast days; count; movement; schedules; staffing patterns; staff availability; facility disruption; search protocols; "hot foods;" food shipments; food storage; and targeting.
7. Richard Bowen, previously TCI's Deputy Warden of Security, may offer institution-specific testimony regarding TCI's compelling interest in the prison's safety, security, orderly operations, staff resources, and budgets as they relate to Plaintiff's religious accommodations requests; TCI's kitchen facilities; the accommodations afforded Rastafarians incarcerated

at TCI; the vegetarian/vegan option TCI affords inmates at every meal; inmates' ability to fast at TCI; TCI's protocols during Ramadan; and TCI's Religious Accommodation Review Committee.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

s/ Tony H. Shang

MINDY WORLY (0037395)*

**Lead counsel*

TRACY L. BRADFORD (0058556)

TONY H. SHANG (0100246)

Assistant Attorneys General

Criminal Justice Section

Corrections Litigation Unit

30 East Broad Street, 23rd Floor

Columbus, Ohio 43215

T: (614) 728-0161; F: (866) 474-4985

Mindy.Worly@OhioAGO.gov

Tracy.Bradford@OhioAGO.gov

Tony.Shang@OhioAGO.gov

Trial Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2021, a copy of the foregoing was filed electronically utilizing the Clerk's ECF system. Notice of this filing will be sent to all parties by the operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Tony H. Shang

Assistant Attorney General